

**FILED**

AUG 01 2014

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

TRACY CRECELIUS,

CIV. 14- 5048

Plaintiff,

v.

**NOTICE OF REMOVAL**

THE HARTFORD ACCIDENT AND  
INDEMNITY COMPANY, a foreign  
corporation,

Defendant.

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TO: THE CLERK OF THE COURT, UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF SOUTH DAKOTA, WESTERN DIVISION; THE CLERK  
OF THE CIRCUIT COURT, PENNINGTON COUNTY, SOUTH DAKOTA; AND  
THE PLAINTIFF NAMED ABOVE AND HER ATTORNEYS.

Pursuant to 28 USC §§ 1441 and 1446, Defendant The Hartford Accident and Indemnity Company ("Hartford") removes this action from the Seventh Judicial Circuit Court of Pennington County, South Dakota, in which this action is now pending. This is a civil action of which the District Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed by Defendants pursuant to 28 U.S.C. § 1441(a) in that Defendant Hartford is a Connecticut corporation organized and incorporated under the laws of Connecticut with its principal place of business in Hartford, Connecticut. The

Plaintiff has asserted in responses to Requests for Admissions that the amount in controversy is believed to exceed the sum of \$75,000 against Hartford.

Attached to this Notice of Removal is a copy of all processes and pleadings served upon Hartford in this action. This Notice of Removal is filed within 30 days of receipt by Hartford, through service or otherwise, of a copy of the Responses to Requests for Admission setting forth the amount in controversy upon which this action is based. Therefore, this Court has jurisdiction to consider this notice pursuant to 28 U.S.C. § 1446, and by filing this Notice of Removal and by service of copies of the same upon counsel for Plaintiff and Clerk of the Court for Pennington County, South Dakota, this action is removed to the above-captioned United States District Court.

DATED: July 31, 2014.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

By 

Jason M. Smiley  
Attorneys for Defendant  
P.O. Box 8045  
Rapid City, SD 57709-8045  
(605) 342-1078

**CERTIFICATE OF SERVICE**

I certify that on July 31, 2014, I caused to be sent by U.S. mail, first-class postage prepaid, a true and correct copy of Notice of Removal to:

Steven C. Beardsley and  
Michael S. Beardsley  
Beardsley, Jensen & Von Wald, Prof. LLC  
P.O. Box 9579  
Rapid City, SD 57709-9579

Pennington County Clerk of Courts  
Civil Division  
P.O. Box 230  
Rapid City, SD 57709-0230  
(Civil No. 14-160)

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

By \_\_\_\_\_

Jason M. Smiley  
P.O. Box 8045  
Rapid City, SD 57709-8045